IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE J.CHELAMESWAR
and
THE HON'BLE SRI JUSTICE D. APPA RAO

W.P.No. 26886 of 2006

Between:-

M/s. Carzonrent (India) Private Limited,
Hyderabad.

..Petitioner

And

1. The Commercial Tax Officer,
   Begumpet Circle, Hyderabad and two others.

..Respondents

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ORDER (Per JC,J) :

This writ petition is filed with a prayer as follows:

> "To quash the impugned Final Order dated 02-12-2006 passed in Rc.No.URD/2002-03 by the first respondent for the assessment year 2002-03 (APGST) in seeking to levy tax under Section 5E of the APGST Act on the service charges received by the petitioner by rent-a-car facility to tax @ 8%."

2. In substance, the petitioner is questioning an assessment order dated 02-12-2006 for the year 2002-03 under the A.P.G.S.T. Act. Further details pertaining to the assessment may not be necessary for the present purpose.

3. The show cause notice was issued on 21-11-2006. It was served on the petitioner on 27-11-2006. Admittedly, the petitioner filed a letter on 01-12-2006 before assessing authority requesting a month's time to file his objections. In fact, the assessment order states so. However, ignoring the request of the petitioner, the impugned assessment order came to be passed on 02-12-2006. The rejection of the request of the petitioner is not supported by any reason.

4. In the circumstances, we are of the opinion that there is a failure of natural justice while making the assessment. The impugned order is therefore set aside. It is agreed by the learned counsel for the petitioner and the learned Government Pleader for Commercial Taxes that the petitioner shall file his objections, if any, to the show cause notice on or before 10-01-2007. Upon the receipt of which, it is open to the respondents to pass fresh

assessment order for the year
2004-05, in accordance with law, after giving a reasonable opportunity to the petitioner.

5. With the aforementioned direction, the writ petition is disposed of. No costs.

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J.CHELAMESWAR,J

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December 27, 2006 **D.APPA RAO,J**
KVR